

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAVAL JOHN BIG LEGGINS,

Defendant.

**CR-10-07-GF-BMM-01**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
MAGISTRATE JUDGE TO  
REVOKE DEFENDANT'S  
SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 18, 2015. (Doc. 51). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Big Leggins admitted to having violated three conditions of his supervised release. (Doc. 51). Big Leggins admitted to having violated: (1) standard condition 2 by failing to report to the United States Probation Officer as directed; (2) special

condition 2 by failing to participate in a program of substance abuse treatment; and, (3) special condition 1 by failing to participate in substance abuse testing. *Id.*

Judge Johnston found Big Leggins's admissions sufficient to establish a supervised release violation. Judge Johnston recommends that this Court revoke Big Leggins's supervised release. *Id.* Judge Johnston also recommends that the Court sentence Big Leggins to 6 months imprisonment on each count to run concurrent followed by 30 months of supervised release. *Id.* Judge Johnston further recommends that Big Leggins' supervised release include a 180-day term in a Residential Re-Entry Center. *Id.*

Big Leggins' criminal history category is III, the current offense is a Grade C violation, and the underlying offenses are Class C felonies. The statutory range is a maximum of 24 months in custody followed by a term of supervised release of up to 36 months, less any custody time imposed. The applicable guideline range is 5 to 11 months in custody followed by a term of supervised release of up to 36 months, less any custody time imposed. The statutory and Guideline provisions apply to both of Big Leggins' underlying offenses.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Big Leggins admitted that he violated multiple conditions of his supervised release. A sentence of 6 months imprisonment with a term of 30 months supervised release to follow is sufficient

given the serious nature of the violations, but not greater than necessary. Placement of Big Leggin in a Residential Re-Entry Center for the first 180 days of his term of supervised release is also appropriate in light of his continued substance abuse and compliance issues.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 51) is ADOPTED IN FULL. Big Leggin shall be sentenced to **six (6) months imprisonment** followed by **thirty (30) months of supervised release** based on the offenses of conviction, to run concurrently. Big Leggin shall be housed at a **Residential Re-Entry Center** for the first **180 days** of his term of supervised release.

DATED this 6<sup>th</sup> day of July, 2015.



---

Brian Morris  
United States District Court Judge